

SUPREME COURT, U. S.

FILED

OCT 2 1969

IN THE

Supreme Court of the United States

JOHN F. DAVIS, CLERK

October Term, 1967.

No. 309.

AMERICAN FEDERATION OF MUSICIANS OF THE
UNITED STATES AND CANADA, *et al.*,

Petitioners,

vs.

JOSEPH CARROLL, *et al.*,

Respondents.

No. 310.

JOSEPH CARROLL, *et al.*,

Petitioners,

vs.

AMERICAN FEDERATION OF MUSICIANS OF THE
UNITED STATES AND CANADA, *et al.*,

Respondents.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SECOND CIRCUIT.

**Supplemental Cross-Petitioners' (Plaintiffs') Petition
for Rehearing.**

GODFREY P. SCHMIDT,

*Attorney for Cross-Petitioners-Plain-
tiffs,*

100 West 42nd Street,

New York, N. Y.

212 279-0355.

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Letter, Godfrey P. Schmidt, Dated September 23,
1968, to Hon. Earl Warren.

LAW OFFICES

GODFREY P. SCHMIDT

100 West 42nd Street

New York, N. Y. 10036

GODFREY P. SCHMIDT

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1010 Vermont Ave., N. W.

Cable Address "Godofrede"

(212) 279-0355

September 23d, 1968.

Hon. Earl Warren

The Chief Justice of the United States
Washington, D. C. 20543

Re: Nos. 309 and 310

October Term, 1967.

Dear Mr. Chief Justice:

In the above identified cases (from which your Honor has disqualified himself) there is pending before your Court a petition for rehearing, copy of which is here-with enclosed. The Office of the Clerk of the Court informed me that this petition will not be acted upon until October.

Within the last few days, I learned from three of the four plaintiffs-cross-petitioners whom I represent in these two antitrust cases (Messrs. Cutler, Carroll and Peterson) that they, respectively, received from Associated

*Letter, Godfrey P. Schmidt, Dated September 23, 1968,
to Hon. Earl Warren*

Musicians of Greater New York, Local 802 (one of the two defendants-respondents) originals of the letters whose copies are herewith enclosed. Each of these three letters invites one of my said clients to bargain collectively with Local 802 respecting wages and other terms and conditions of employment of his employees.

I send these enclosures because they constitute conclusive answers to queries addressed by Associate Justices Fortas and Black, during the oral argument of the above identified cases, to the attorney for defendants:

"Are the plaintiffs [my clients] really employers?"

At first Mr. Rosenberg, for the defendants, conceded *only for the purposes of argument* that my clients are employers, in spite of that fact that he had earlier argued that my clients are "employees". Later in the oral argument, being pressed by Justice Black for a direct answer to the question quoted above, Mr. Rosenberg *denied* that the plaintiffs below were "really employers", erroneously characterizing the record evidence on this point as insufficient (despite the fact that the evidence on this matter is massive and undisputed in the record). This prompted Mr. Justice Black to ask why he had made the concession of employer status described above.

Now, by inviting my clients to negotiate labor contracts to cover their employees, Local 802 necessarily and by unmistakeable implication concedes that they are *really employers*. This simply reaffirms a similar concession, made after the trial of these antitrust cases in the form of a new contract form formulated by Local 802 and imposed by it upon all professional orchestra leaders (when they perform in its jurisdiction); whom the new contract form expressly designates as "Leader-Employers". A copy of that new form of contract prescribed

*Letter, Godfrey P. Schmidt, Dated September 23, 1968,
to Hon. Earl Warren*

by Local 802 is herewith enclosed, as Exhibit C, attached to an injunction order of the Second Circuit Court of Appeals dated October 31st, 1967. Said injunction was, of course, predicated upon that Court's majority decision in 372 F. 2d 155.

The Local 802 concessions aforesaid, superimposed upon footnote 7 of the majority decision of your Court ("We need not decide the question.") and upon the queries by Associate Justices Fortas and Black, not only necessitate this letter but anachronistically render that footnote rather puzzling, if not altogether irrelevant. If, in fact and in law, my clients are *really* employers for all purposes, they cannot consistently be put in a "labor group" for antitrust purposes. Even if the recent concessions be considered as confined to NLRA purposes, fidelity to the interlacing interpretation theory forbids putting my clients in a "labor group".

My zeal diligently to represent my clients (who are so importantly affected in their rights and status as well as their professional activities by the majority decision) prompted me to call these two union concessions to the Court's attention; especially since two Associate Justices manifested probing interest in such concessions during the oral argument. It occurred to me that they and other Justices might be equally interested even now. Also, I deem it my duty to add these two union concessions to the list of other facts which, I respectfully submit, were evidently misapprehended by the majority, as I try to show in the petition for re-argument of these complicated and consequence-laden cases.

Therefore, if it be proper, I respectfully ask that a copy of this letter and its enclosures be given to the As-

4

*Letters, Annexed to Foregoing Letter of Godfrey P.
Schmidt*

sociate Justices who will consider my clients' petition
for rehearing.

Respectfully,

GODFREY P. SCHMIDT


cc. to:

Van Arkel & Kaiser, Esqs.
1730 K Street, N. W.
Washington, D. C. 20006

Emmanuel Dannel, Esq.
3 East 54th Street
New York, N. Y. 10022

GPS/h
enc.

**Letters, Annexed to Foregoing Letter of Godfrey P.
Schmidt.**

(See opposite page.) 

LOCAL
802

A F of M
Chartered August 27th, 1921



— AFFILIATED WITH A.F.L.-C.I.O. —

Associated Musicians of Greater New York

261 WEST 52nd STREET, NEW YORK 19, N.Y.

PLaza 7-7722

Officers

President
MAX L. ARONS
Vice-President
AL KNOFF
Secretary
LOUIS CRITELLI
Treasurer
MY JAFFE

Executive Board

VINCENT BADALE
IRVING BLOOM
SHERMAN BRANDE
AL BROWN
PATSY FASANELA
CLIFTON GLOVER
WILLIAM M. POWERS
VINCENT ROSSITTO
EARL SHENDELL

Trial Board

Chairman
CHARLES S. SOLLINGER
Clerk
LOU RUSS
FRANK GARISTO
EDWARD MANNATU
MARTY MELFI
IRVING MINK
VINCENT MOYNIHAN
JERRY SERLY
HENRY G. WALTON

REGISTERED MAIL
RETURN RECEIPT REQUESTED

September 18, 1968

Mr. Ben Cutler
1410 York Avenue
New York, New York 10021

Dear Sir and Brother:

Please be advised that Local 802 designates Monday, September 30, 1968 - 3:00 P.M. in the Executive Board Room of Local 802, A. F. of M., 261 West 52nd Street, New York, N.Y. for the purpose of negotiating a contract with you for the employment of our members.

Fraternally yours,

Louis Critelli
LOUIS CRITELLI, Secretary
Local 802, A. F. of M.

Patronize Live Music

802

A F of M
Chartered August 27th, 1921



AFFILIATED WITH A.F.L.-C.I.O.

Associated Musicians of Greater New York

261 WEST 62nd STREET, NEW YORK 19, N.Y.

PLaza 7-7722

Officers

President
MAX L. ARONI
Vice-President
AL KNOPP
Secretary
LOUIS CRITELLI
Treasurer
MY JAFFE

Executive Board

VINCENT BADALE
IRVING BLOOM
SHERMAN BRANDE
AL BROWN
PATSY FASANELLA
CLIFTON GLOVER
WILLIAM M. POWERS
VINCENT ROSSITTO
EARL SHENDELL

Trial Board

Chairman
CHARLES S. SOLLINGER
Clerk
LOU RUSS
FRANK GARISTO
EDWARD MANNATU
MARTY MELFI
IRVING MINK
VINCENT MOYNIHAN
JERRY SERLY
HENRY O. WALTON

REGISTERED MAIL
RETURN RECEIPT REQUESTED

September 18, 1968

Mr. Joe Carroll
174 East 74th Street
New York, New York

Dear Mr. Carroll:

Please be advised that Local 802 designates Wednesday, September 25, 1968 - 3:00 P.M. in the Executive Board Room of Loc al 802, A. F. of M., 261 West 52nd Street, New York, N.Y. for the purpose of negotiating a contract with you for the employment of our members.

Sincerely yours,

LOUIS CRITELLI, Secretary
Local 802, A. F. of M.

118

Putro's Piano Music

802

A F of M

Chartered August 27th, 1921



AFFILIATED WITH A.F.L.-C.I.O.

Associated Musicians of Greater New York

261 WEST 52nd STREET, NEW YORK 19, N.Y.

PLaza 7-7722

Officers

President
MAX L. ARONS
Vice-President
AL KNOPP
Secretary
LOUIS CRITELLI
Treasurer
MY JAFFE

Executive Board

VINCENT BADALE
IRVING BLOOM
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AL BROWN
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CLIFTON GLOVER
WILLIAM M. POWERS
VINCENT ROSSITTO
EARL SHENDELL

Trial Board

Chairman
CHARLES S. SOLLINGER

Clerk

LOU RUSS
FRANK GARISTO
EDWARD MANNATO
MARTY MELFI
IRVING MINK
VINCENT MOYNIHAN
JERRY SEELY
HENRY O. WALTON

REGISTERED MAIL
RETURN RECEIPT REQUESTED

September 18, 1968

Mr. Charles Peterson
110 West 34th Street
New York, New York

Dear Mr. Peterson:

Please be advised that Local 802 designates Friday September 27, 1968-3:00 P.M., in the Executive Board Room of Local 802, A. F. of M., 261 West 52nd Street, New York, N. Y., for the purpose of negotiating a contract with you for the employment of our members.

Sincerely yours,

LOUIS CRITELLI, SECRETARY
Local 802, A. F. of M.

B7C

-65- 115

Patronize Live Music

Local
802

LOUIS CRITELLI
Secretary

ASSOCIATED MUSICIANS OF GREATER NEW YORK
261 WEST 32nd STREET
New York, N. Y. 10019



115

REGISTERED MAIL
RETURN RECEIPT REQUESTED



4-7627

REGISTERED
RETURN RECEIPT
REQUESTED

Mr. Charles Peterson
110 West 34th Street
New York, New York

Patronize Live Music

Local
802

LOUIS CRITELLI
Secretary

ASSOCIATED MUSICIANS OF GREATER NEW YORK
261 WEST 32nd STREET
New York, N. Y. 10019



115

REGISTERED MAIL
RETURN RECEIPT REQUESTED



407628

REGISTERED
RETURN RECEIPT
REQUESTED

Mr. Joe Carroll
174 East 74th Street
New York, New York

Patronize Live Music

Injunction Order.**UNITED STATES COURT OF APPEALS,****FOR THE SECOND CIRCUIT.**

JOSEPH CARROLL, CHARLES PETERSON and CHARLES TURECAMO, as Treasurer Orchestra Leaders of Greater New York,

Plaintiffs-Appellants,

against

AMERICAN FEDERATION OF MUSICIANS OF THE UNITED STATES AND, CANADA, HERMAN D. KENIN, as President of said Federation, STANLEY BALLARD, as Secretary of said Federation and GEORGE V. CLANCY, as Treasurer of said Federation, ASSOCIATED MUSICIANS OF GREATER NEW YORK, LOCAL 802, and AL MANUTI, as President of Local 802, MAX L. ARONS, as Secretary of Local 802 and HI JAFFE as Treasurer of Local 802,

Defendants-Respondents.

Docket Nos. 30445-30446.

Upon this Court's decision and judgment made and entered herein January 30, 1967; the orders of this Court delaying issuance of the mandate herein; the joint affidavit of plaintiffs-appellants, Charles Peterson and Joseph Carroll, sworn to June 5, 1967; the affidavit of merit of Godfrey P. Schmidt, attorney for plaintiffs-appellants, sworn to June 26, 1967; upon the oral argument of Counsel for the parties; upon their annexed stipulation; and upon all of the proceedings had herein; it is

Injunction Order

ORDERED that, pending final disposition of these cases by the Supreme Court of the United States, defendant-respondent, Associated Musicians of Greater New York, Local 802 AFM, its officers, members, agents and attorneys and those in active concert or participation with them who receive actual notice of this order by personal service or otherwise, be, and the same hereby are, enjoined and restrained from

(i) requiring plaintiffs-appellants Ben Cutler, Joseph Carroll, Charles Peterson and Marty Levitt or any of them, to use any of the price-fixing forms, copies of which are annexed hereto, marked "Exhibits A, B and C respectively, to form part of this Order;

(ii) in any way penalizing or disciplining any of said plaintiffs-appellants because of his failure or refusal to execute any of said price-fixing forms even though such forms are currently mandated by by-laws promulgated by Local 802 or by its Executive Board or because of his failure to answer any Local 802 "summons" or charges signed by any officer or member of Local 802 upon the basis of such failure or refusal; and it is further

ORDERED that nothing herein contained shall be construed as forbidding use, by Local 802, of any form which, consistently with this Court's decision of January 30, 1967, herein, omits all provisions constituting in effect price-fixing.

Issued pursuant to Rule 65, F.R.C.P., this 31st day of October, 1967, at 9:08 o'clock A. M.

/s/ HENRY J. FRIENDLY

/s/ J. JOSEPH SMITH

/s/ ROBERT P. ANDERSON

Exhibit A, Annexed to Injunction Order.


(See opposite page.) 

EXHIBIT A



NOTICE OF SINGLE ENGAGEMENT CONTRACT

Associated Musicians of Greater New York

LOCAL 802, A.F. of M. • 261 WEST 52nd STREET • NEW YORK, N. Y. 10019 • PL 7-7722

OFFICE
USE

LEADER CARD NO.	LEGAL LEADER NAME	ENG. #	BOBO CHECK ONE	TIME	TYPE ENG.	DATE OF ENG.	NO. ADJ.	PLACE OF ENGAGEMENT	HOURS INCL. OVERTIME	PRE- HEAT
1-8	1-8	31-31	<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K <input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> N <input type="checkbox"/> O <input type="checkbox"/> P <input type="checkbox"/> Q <input type="checkbox"/> R <input type="checkbox"/> S <input type="checkbox"/> T <input type="checkbox"/> U <input type="checkbox"/> V <input type="checkbox"/> W <input type="checkbox"/> X <input type="checkbox"/> Y <input type="checkbox"/> Z <input type="checkbox"/> AA <input type="checkbox"/> AB <input type="checkbox"/> AC <input type="checkbox"/> AD <input type="checkbox"/> AE <input type="checkbox"/> AF <input type="checkbox"/> AG <input type="checkbox"/> AH <input type="checkbox"/> AI <input type="checkbox"/> AJ <input type="checkbox"/> AK <input type="checkbox"/> AL <input type="checkbox"/> AM <input type="checkbox"/> AN <input type="checkbox"/> AO <input type="checkbox"/> AP <input type="checkbox"/> AQ <input type="checkbox"/> AR <input type="checkbox"/> AS <input type="checkbox"/> AT <input type="checkbox"/> AU <input type="checkbox"/> AV <input type="checkbox"/> AW <input type="checkbox"/> AX <input type="checkbox"/> AY <input type="checkbox"/> AZ <input type="checkbox"/> BA <input type="checkbox"/> BB <input type="checkbox"/> BC <input type="checkbox"/> BD <input type="checkbox"/> BE <input type="checkbox"/> BF <input type="checkbox"/> BG <input type="checkbox"/> BH <input type="checkbox"/> BI <input type="checkbox"/> BJ <input type="checkbox"/> BK <input type="checkbox"/> BL <input type="checkbox"/> BM <input type="checkbox"/> BN <input type="checkbox"/> BO <input type="checkbox"/> BP <input type="checkbox"/> BQ <input type="checkbox"/> BR <input type="checkbox"/> BS <input type="checkbox"/> BT <input type="checkbox"/> BU <input type="checkbox"/> BV <input type="checkbox"/> BW <input type="checkbox"/> BX <input type="checkbox"/> BY <input type="checkbox"/> BZ <input type="checkbox"/> CA <input type="checkbox"/> CB <input type="checkbox"/> CC <input type="checkbox"/> CD <input type="checkbox"/> CE <input type="checkbox"/> CF <input type="checkbox"/> CG <input type="checkbox"/> CH <input type="checkbox"/> CI <input type="checkbox"/> CJ <input type="checkbox"/> CK <input type="checkbox"/> CL <input type="checkbox"/> CM <input type="checkbox"/> CN <input type="checkbox"/> CO <input type="checkbox"/> CP <input type="checkbox"/> CQ <input type="checkbox"/> CR <input type="checkbox"/> CS <input type="checkbox"/> CT <input type="checkbox"/> CU <input type="checkbox"/> CV <input type="checkbox"/> CW <input type="checkbox"/> CX <input type="checkbox"/> CY <input type="checkbox"/> CZ <input type="checkbox"/> DA <input type="checkbox"/> DB <input type="checkbox"/> DC <input type="checkbox"/> DD <input type="checkbox"/> DE <input type="checkbox"/> DF <input type="checkbox"/> DG <input type="checkbox"/> DH <input type="checkbox"/> DI <input type="checkbox"/> DJ <input type="checkbox"/> DK <input type="checkbox"/> DL <input type="checkbox"/> DM <input type="checkbox"/> DN <input type="checkbox"/> DO <input type="checkbox"/> DP <input type="checkbox"/> DQ <input type="checkbox"/> DR <input type="checkbox"/> DS <input type="checkbox"/> DT <input type="checkbox"/> DU <input type="checkbox"/> DV <input type="checkbox"/> DW <input type="checkbox"/> DX <input type="checkbox"/> DY <input type="checkbox"/> DZ <input type="checkbox"/> EA <input type="checkbox"/> EB <input type="checkbox"/> EC <input type="checkbox"/> ED <input type="checkbox"/> EE <input type="checkbox"/> EF <input type="checkbox"/> EG <input type="checkbox"/> EH <input type="checkbox"/> EI <input type="checkbox"/> EJ <input type="checkbox"/> EK <input type="checkbox"/> EL <input 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<input type="checkbox"/> FW <input type="checkbox"/> FX <input type="checkbox"/> FY <input type="checkbox"/> FZ <input type="checkbox"/> GA <input type="checkbox"/> GB <input type="checkbox"/> GC <input type="checkbox"/> GD <input type="checkbox"/> GE <input type="checkbox"/> GF <input type="checkbox"/> GG <input type="checkbox"/> GH <input type="checkbox"/> GI <input type="checkbox"/> GJ <input type="checkbox"/> GK <input type="checkbox"/> GL <input type="checkbox"/> GM <input type="checkbox"/> GN <input type="checkbox"/> GO <input type="checkbox"/> GP <input type="checkbox"/> GQ <input type="checkbox"/> GR <input type="checkbox"/> GS <input type="checkbox"/> GT <input type="checkbox"/> GU <input type="checkbox"/> GV <input type="checkbox"/> GW <input type="checkbox"/> GX <input type="checkbox"/> GY <input type="checkbox"/> GZ <input type="checkbox"/> HA <input type="checkbox"/> HB <input type="checkbox"/> HC <input type="checkbox"/> HD <input type="checkbox"/> HE <input 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<input type="checkbox"/> IP <input type="checkbox"/> IQ <input type="checkbox"/> IR <input type="checkbox"/> IS <input type="checkbox"/> IT <input type="checkbox"/> IU <input type="checkbox"/> IV <input type="checkbox"/> IW <input type="checkbox"/> IX <input type="checkbox"/> IY <input type="checkbox"/> IZ <input type="checkbox"/> JA <input type="checkbox"/> JB <input type="checkbox"/> JC <input type="checkbox"/> JD <input type="checkbox"/> JE <input type="checkbox"/> JF <input type="checkbox"/> JG <input type="checkbox"/> JH <input type="checkbox"/> JI <input type="checkbox"/> JJ <input type="checkbox"/> JK <input type="checkbox"/> JL <input type="checkbox"/> JM <input type="checkbox"/> JN <input type="checkbox"/> JO <input type="checkbox"/> JP <input type="checkbox"/> JQ <input type="checkbox"/> JR <input type="checkbox"/> JS <input type="checkbox"/> JT <input type="checkbox"/> JU <input type="checkbox"/> JV <input type="checkbox"/> JW <input type="checkbox"/> JX <input type="checkbox"/> JY <input type="checkbox"/> JZ <input type="checkbox"/> KA <input type="checkbox"/> KB <input type="checkbox"/> KC <input type="checkbox"/> KD <input type="checkbox"/> KE <input type="checkbox"/> KF <input type="checkbox"/> KG <input type="checkbox"/> KH <input type="checkbox"/> KI <input type="checkbox"/> KJ <input type="checkbox"/> KK <input type="checkbox"/> KL <input type="checkbox"/> KM <input type="checkbox"/> KN <input type="checkbox"/> KO <input type="checkbox"/> KP <input type="checkbox"/> KQ <input type="checkbox"/> KR <input type="checkbox"/> KS <input type="checkbox"/> KT <input type="checkbox"/> KU <input type="checkbox"/> KV <input type="checkbox"/> KW <input type="checkbox"/> KX <input type="checkbox"/> KY <input type="checkbox"/> KZ <input type="checkbox"/> LA <input type="checkbox"/> LB <input type="checkbox"/> LC <input type="checkbox"/> LD <input type="checkbox"/> LE <input type="checkbox"/> LF <input type="checkbox"/> LG <input type="checkbox"/> LH <input type="checkbox"/> LI <input type="checkbox"/> LJ <input type="checkbox"/> LK <input type="checkbox"/> LL <input type="checkbox"/> LM <input type="checkbox"/> LN <input type="checkbox"/> LO <input type="checkbox"/> LP <input type="checkbox"/> LQ <input type="checkbox"/> LR <input type="checkbox"/> LS <input type="checkbox"/> LT <input type="checkbox"/> LU <input type="checkbox"/> LV <input type="checkbox"/> LW <input type="checkbox"/> LX <input type="checkbox"/> LY <input type="checkbox"/> LZ <input type="checkbox"/> MA <input type="checkbox"/> MB <input type="checkbox"/> MC <input type="checkbox"/> MD <input type="checkbox"/> ME <input type="checkbox"/> MF <input type="checkbox"/> MG <input type="checkbox"/> MH <input type="checkbox"/> MI <input type="checkbox"/> MJ <input type="checkbox"/> MK <input type="checkbox"/> ML <input type="checkbox"/> MM <input type="checkbox"/> MN <input type="checkbox"/> MO <input type="checkbox"/> MP <input type="checkbox"/> MQ <input type="checkbox"/> MR <input type="checkbox"/> MS <input type="checkbox"/> MT <input type="checkbox"/> MU <input type="checkbox"/> MV <input type="checkbox"/> MW <input type="checkbox"/> MX <input type="checkbox"/> MY <input type="checkbox"/> MZ <input type="checkbox"/> NA <input type="checkbox"/> NB <input type="checkbox"/> NC <input type="checkbox"/> ND <input type="checkbox"/> NE <input type="checkbox"/> NF <input type="checkbox"/> NG <input type="checkbox"/> NH <input type="checkbox"/> NI <input type="checkbox"/> NJ <input type="checkbox"/> NK <input type="checkbox"/> NL <input type="checkbox"/> NM <input type="checkbox"/> NN <input type="checkbox"/> NO <input type="checkbox"/> NP <input type="checkbox"/> NQ <input type="checkbox"/> NR <input type="checkbox"/> NS <input type="checkbox"/> NT <input type="checkbox"/> NU <input type="checkbox"/> NV <input type="checkbox"/> NW <input type="checkbox"/> NX <input type="checkbox"/> NY <input type="checkbox"/> NZ <input type="checkbox"/> OA <input type="checkbox"/> OB <input type="checkbox"/> OC <input type="checkbox"/> OD <input type="checkbox"/> OE <input type="checkbox"/> OF <input type="checkbox"/> OG <input type="checkbox"/> OH <input type="checkbox"/> OI <input type="checkbox"/> OJ <input type="checkbox"/> OK <input type="checkbox"/> OL <input type="checkbox"/> OM <input type="checkbox"/> ON <input type="checkbox"/> OO <input type="checkbox"/> OP <input type="checkbox"/> OQ <input type="checkbox"/> OR <input type="checkbox"/> OS <input type="checkbox"/> OT <input type="checkbox"/> OU <input type="checkbox"/> OV <input type="checkbox"/> OW <input type="checkbox"/> OX <input type="checkbox"/> OY <input type="checkbox"/> OZ <input type="checkbox"/> PA <input type="checkbox"/> PB <input type="checkbox"/> PC <input type="checkbox"/> PD <input type="checkbox"/> PE <input type="checkbox"/> PF <input type="checkbox"/> PG <input type="checkbox"/> PH <input type="checkbox"/> PI <input type="checkbox"/> PJ <input type="checkbox"/> PK <input type="checkbox"/> PL <input type="checkbox"/> PM <input type="checkbox"/> PN 							

MILEAGE _____ CARRIAGE _____ DOUBLING _____ TRANSPORTATION _____

OTHER _____
PURCHASER OF MUSIC _____ ADDRESS _____ PHONE _____

INSTRUCTIONS

Complete top portion of form and present to Local 802 for acceptance and validation. Top of part 1 retained by Local. Top of part 2 becomes purchaser's receipt. Complete bottom portion at time of engagement. **IMMEDIATELY** following engagement, return form with remittance to Local for validation. Bottom of parts 1 & 2 retained by Union. Part 3 returned to leader.

The leader warrants that the contract with the Purchaser of the Music for the above engagement provides for —
(1) Sufficient monies to be paid by the Purchaser of the Music, so that each musician performing on the engagement, will be paid at least the current minimum wage scales applicable to this engagement for the hours and conditions set forth above.

(2) The payment by the Purchaser of One (\$1.00) Dollar for each musician performing on the engagement, as contributions to the Local 802 Musical Engagements Welfare Fund. The Leader agrees that he will be responsible for the collection and payment of these contributions to the Welfare Fund; and he further agrees to be bound by the terms of the Agreement and Declaration of Trust made the 22nd day of April, 1954, between the Hotel Men's Committee for Hotel Users of Music, the Restaurant League of New York, the Associated Musicians of Greater New York, Local 802, and the Trustees of the said Fund, as amended.

(3) Sufficient monies to be paid by the Purchaser to cover the Costs where applicable of Unemployment Insurance, Social Security, N. Y. State Disability Benefits and Workman's Comp.

The Leader further agrees that he will, after the performance of the above engagement, report to Local 802, on form number and scale earnings of each musician who performed on the engagement.

(4) An Employee hired for this engagement shall be free without liability to cease service by reason of any strike.

(5) Representatives of the Local shall have access to the place of performance to confer with the employees.

LEADER'S SIGNATURE: _____ ADDRESS: _____ PHONE: _____

SINGLE ENGAGEMENT PERFORMANCE REPORT

1. Print all required information except signature.

2. We the undersigned, authorize the leader to deduct from our pay for this engagement our Local 802 work dues in the amount of 1 1/4% of our gross scale compensation, and to transmit such dues to Local 802 by check made payable to "Local 802, A. E. of M".

3. The leader agrees to transmit a check for the deducted work dues, together with a separate check made payable to the "Local 802 Musical Engagements Welfare Fund" covering the purchasers welfare fund payment in the sum of \$1.00 per performing musician.

4. Failure to file this report with work dues and welfare fund payments constitutes a violation of Article 4, Section 1 of the Local 89 Laws.

PRINT OR TYPE ALL INFORMATION CLEARLY										GROSS SCALE COMPENSATION		WELFARE	
1. LEADER'S CARD NO.	PRINT OR TYPE NAME	STREET ADDRESS		CITY	STATE	ZIP	SOCIAL SECURITY NO.	NO. OF EXEMPTIONS					
2. SUB LEADER'S CARD NO.	SIGN NAME CERTIFYING INFO.	STREET ADDRESS		CITY	STATE	ZIP	SOCIAL SECURITY NO.	NO. OF EXEMPTIONS					
3. CARD NO.	PRINT OR TYPE NAME	STREET ADDRESS		CITY	STATE	ZIP	SOCIAL SECURITY NO.	NO. OF EXEMPTIONS					
4. CARD NO.	SIGN NAME CERTIFYING INFO.	STREET ADDRESS		CITY	STATE	ZIP	SOCIAL SECURITY NO.	NO. OF EXEMPTIONS					
5. CARD NO.	PRINT OR TYPE NAME	STREET ADDRESS		CITY	STATE	ZIP	SOCIAL SECURITY NO.	NO. OF EXEMPTIONS					
6. CARD NO.	SIGN NAME CERTIFYING INFO.	STREET ADDRESS		CITY	STATE	ZIP	SOCIAL SECURITY NO.	NO. OF EXEMPTIONS					
7. CARD NO.	PRINT OR TYPE NAME	STREET ADDRESS		CITY	STATE	ZIP	SOCIAL SECURITY NO.	NO. OF EXEMPTIONS					
8. CARD NO.	SIGN NAME CERTIFYING INFO.	STREET ADDRESS		CITY	STATE	ZIP	SOCIAL SECURITY NO.	NO. OF EXEMPTIONS					
9. CARD NO.	PRINT OR TYPE NAME	STREET ADDRESS		CITY	STATE	ZIP	SOCIAL SECURITY NO.	NO. OF EXEMPTIONS					
10. CARD NO.	SIGN NAME CERTIFYING INFO.	STREET ADDRESS		CITY	STATE	ZIP	SOCIAL SECURITY NO.	NO. OF EXEMPTIONS					
DATE SUBMITTED										ACCEPTED BY		TOTAL GROSS SCALE COMPENSATION	
OFFICE USE										LEADER'S SIGNATURE		CALCULATION OF GROSS SCALE COMP AND WELFARE PAY	

OFFICE
USE
ONLY

PAY AMOUNTS AS INSTRUCTED:

EXHIBIT A

WARNING

**CANCELLATION OF ENGAGEMENT MUST BE REPORTED TO LOCAL 902
SINGLE ENGAGEMENT WORK DUES DEPT. PRIOR TO DATE OF ENGAGEMENT.**

IF CONTINUATION REPORTS ARE USED

PLACE GRAND TOTALS IN ABOVE AMOUNT AREAS.

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Exhibit B, Annexed to Injunction Order.


(See opposite page.) 



EXHIBIT B

SINGLE ENGAGEMENT CONTRACT

Associated Musicians of Greater New York

LOCAL 802, A.P. of M. • 261 WEST 52nd STREET • NEW YORK, N. Y. 10019 • PL 7-7722

ENGAGEMENT INFORMATION (PRINT ONLY IN UNSHADED AREAS)

LEADER CARD NO. 1-5	LEGAL LEADER NAME J. J. J.	ENO. # 23-25	BORO CHECK ONE <input type="checkbox"/> 1. NYC <input type="checkbox"/> 2. BRKN. <input type="checkbox"/> 3. BOWL <input type="checkbox"/> 4. L.L. <input type="checkbox"/> 5. N.Y. SLP.	TIME 27	TYPE ENG. 28-29	DATE OF ENG. 30-31	NO. OF MEN 32-34	PLACE OF ENGAGEMENT 35-36	HOURS INCL. OVERTIME 37-41	PRE- HEAT 42
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MILEAGE _____ CARTAGE _____ REHEARSAL _____ DOUBLING _____ TRANSPORTATION _____

OTHER PURCHASER OF MUSIC _____ SIGNATURE _____ ADDRESS _____ PHONE _____

THE PURCHASER OF THE MUSIC SHALL PAY THE LEADER \$ _____, NOT LESS THAN THE APPLICABLE UNION SCALE INCLUDING OVERTIME AT THE HOURLY RATE OF \$ _____ FOR THIS ENGAGEMENT AS FOLLOWS: _____
THE UNDERSIGNED LEADER HAS ENTERED INTO A CONTRACT WITH THE ABOVE PURCHASER FOR THE ENGAGEMENT AS LISTED ABOVE.

The Leader warrants that the contract with the Purchaser of the Music for the above engagement provides for —
(1) Sufficient monies to be paid by the Purchaser of the Music, so that each musician performing on the engagement, will be paid at least the current minimum wage scales applicable to this engagement for the hours and conditions set forth above.

(2) The payment by the Purchaser of One (\$1.00) Dollar for each musician performing on the engagement, as contributions to the Local 802 Musical Engagements Welfare Fund. The Leader agrees that he will be responsible for the collection and payment of these contributions to the Welfare Fund; and he further agrees to be bound by the terms of the Agreement and Declaration of Trust made the 22nd day of April, 1954, between the Hotel Men's Committee for Hotel Users of Music, the Restaurant League of New York, the Associated Musicians of Greater New York, Local 802, and the Trustees of the said Fund, as amended.

(3) Sufficient monies to be paid by the Purchaser to cover the Costs where applicable of Unemployment Insurance, Social Security, N. Y. State Disability Benefits and Workman's Comp.

The Leader further agrees that he will, after the performance of the above engagement, report to Local 802, on forms to be supplied by Local 802, the name, card number and scale earnings of each musician who performed on the engagement.

(4) Any Employees hired for this engagement shall be free without liability to cease service by reason of any strike.

(5) Representatives of the Local shall have access to the place of performance to confer with the employees.

EXHIBIT B

LEADER'S SIGNATURE _____ ADDRESS _____ PHONE _____

Exhibit C, Annexed to Injunction Order.

AGREEMENT made the day of , 196 ,
by and between of
..... (Herein called the
"Leader-Employer") and the ASSOCIATED MUSICIANS OF
GREATER NEW YORK, LOCAL 802, A.F. of M. (herein called
the "Union").

WHEREAS, the Leader-Employer is desirous of employing members of the Union for musical performances in the single engagement field; and the Union is willing to have its members work for the Leader-Employer on the payment to them of applicable Union wage scales and the compliance by the Leader-Employer of all applicable Union rules and regulations, as well as of the terms set forth below.

NOW, THEREFORE, in consideration of the premises, it is agreed as follows:

1. The Leader-Employer will notify the Union in writing, within days after entering into any contract with a client or purchaser of music for the performance of music in the single engagement field, of the date, time and place of such engagement, and the number of musicians, including the Leader who will be performing on the engagement.

2. The Leader-Employer warrants that any such contract which he will enter into will provide for—

- (a) Sufficient monies to be paid by the client or purchaser of music, so that each musician performing on the engagement, including the Leader, will be paid at least the current minimum wage scales required by Article X of the Local 802 By-laws applicable to the particular engagement for the hours to be worked and any extras provided for in the contract.

Exhibit C, Annexed to Injunction Order

(b) Sufficient monies for the specific payment of One Dollar (\$1.00) for each musician performing on the engagement, including the Leader, as contributions to the Local 802 Musical Engagements Welfare Fund. The Leader-Employer agrees that he will be responsible for the collection and payment of these contributions to the said Welfare Fund; and he further agrees to be bound by the terms of the Agreement and Declaration of Trust made the 22nd day of April, 1954, between the Hotel Men's Committee for Hotel Users of Music, the Restaurant League of New York, the Associated Musicians of Greater New York, Local 802, and the Trustees of the said Fund; as amended.

(c) Sufficient monies to be paid by the client or purchaser of music to cover the costs of Unemployment Insurance, Social Security, New York State Disability Benefits Insurance and Workmen's Compensation for each musician performing on the engagement.

3. The Leader-Employer will supply to the Union, on forms to be supplied by the Union, the name, card number and scale earnings of each musician who performed on the engagement. Such forms, together with the required payments to the Welfare Fund, will be returned within fourteen (14) days after they have been mailed by the Union. If the Leader-Employer has authorizations from the musician to do so, he will also forward with this form payment of the Union's work dues checked-off from their earnings.

Date, _____ 196

Leader-Employer

ASSOCIATED MUSICIANS OF GREATER
NEW YORK, LOCAL 802, A.F. of M.